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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,243	06/27/2003	Antoni Gil	60017655-2	7748

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

DO, AN H

ART UNIT PAPER NUMBER

2853

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/609,243

Applicant(s)

GIL ET AL.

Examiner

An H. Do

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 18-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-13,18-22 and 27-30 is/are allowed.
- 6) ☒ Claim(s) 1 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 3-10 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The Amendment filed on 30 September 2004 has been acknowledged.

Terminal Disclaimer

1. The terminal disclaimer filed on 30 September 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,648,465 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Peter (US 6,231,176 B1).

Regarding claim 1, Peter discloses in Figures 1 and 2 a printing apparatus configured to print on a media (16) and minimize distortion of the media during printing, the apparatus comprising: a printing zone (38) for printing in a substantially horizontal orientation (Figure 1); and a heated media deflector (80, arc portion 88 and flat member 90) configured to guide (over flat heating member 90) and dry the media (16), the

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heated media deflector located downstream (under the printing zone 38) of the horizontal printing zone (Figure 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peter (US 6,231,176 B1) in view of Mizoguchi et al (US 6,179,418).

Peter does not disclose the following claimed features:

Regarding claim 23, a system to detect environmental conditions and to set a heating temperature of the media deflector based on the detected environmental conditions and/or the determined print mode parameters.

Regarding claim 24, wherein the environmental conditions comprise at least one of the ambient temperature and the ambient humidity.

Regarding claim 25, wherein the print mode parameters comprise at least one of plot width, media advance rate, printhead scanning rate, and ink fired per scan.

Mizoguchi et al teach the followings:

Regarding claim 23, a system to detect environmental conditions (24) and to set a heating temperature (5, 6) of the media deflector based on the detected environmental conditions and/or the determined print mode parameters (Figure 4) for the purpose of properly controlling and printing data on the recording medium (column

5, lines 44-46).

Regarding claim 24, wherein the environmental conditions comprise at least one of the ambient temperature (24) and the ambient humidity (25) for the purpose of properly controlling and printing data on the recording medium (column 5, lines 44-46).

Regarding claim 25, wherein the print mode parameters comprise at least one of plot width, media advance rate, printhead scanning rate, and ink fired per scan (column 3, lines 6-9) for the purpose of properly controlling and printing data on the recording medium (column 5, lines 44-46).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a system to detect environmental conditions and to set a heating temperature of the media deflector based on the detected environmental conditions and/or the determined print mode parameters, the environmental conditions comprise at least one of the ambient temperature and the ambient humidity, and the print mode parameters comprise at least one of plot width, media advance rate, printhead scanning rate, and ink fired per scan, as taught by Mizoguchi et al into Peter, for the purpose of properly controlling and printing data on the recording medium (column 5, lines 44-46).

Response to Arguments

6. Applicant's arguments filed 30 September 2004 have been fully considered but they are not persuasive. Applicant argued that Peter failed to show a heater located downstream of the printing zone, instead, the heater in Peter is located under the horizontal printing zone. This argument is not persuasive for the reason is that even

though the heater in Peter located under the horizontal printing zone, it is considered downstream of the horizontal printing zone since applicant did not point out clearly the downstream position is from what point (section) to what point (section).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Allowable Subject Matter

8. Claims 11-13, 18-22 and 27-30 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claims 11-13 and 27-30 is the inclusion of the method step of heating the media, by passing the media over a heated media deflector in a transition area between the substantially horizontal printing plane and the substantially vertical feeding path. It is this step found in the claims, as it is claimed in the combination of, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 18-22 is the inclusion of the limitations of a heated media deflector for an inkjet printer that includes a sheet metal portion attached to the plastic portion; and a heating resistor attached to a bottom face of the sheet metal. It is these limitations found in the claims, as they are claimed in the combination of, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Claims 3-10 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of claims 3-10 is the inclusion of the limitations of a heated media deflector that includes a sheet metal portion attached to the plastic support portion, wherein the sheet metal portion configured to contact and guide the media and wherein the sheet metal portion comprises a heating resistor configured for drying the media and for attaching to a bottom face of the sheet metal portion. It is these limitations found in the claims, as they are claimed in the

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combination of, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claim 26 is the inclusion of the limitation of wherein a heating temperature is approximately 50° C to 70° C. It is this limitation found in the claims, as it is claimed in the combination of, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to An H. Do whose telephone number is 571-272-2143.


The examiner can normally be reached on Monday-Friday (Flexible).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AD

December 13, 2004


Stephen D. Meier
Primary Examiner